UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,614	08/31/2000	Gregory L. Slaughter	5181-67400	4149

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Robert C Kowert
Conley Rose & Tayon PC
P O Box 398
Austin, TX 78767-0398

EXAMINER
NGUYEN, VAN H

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 July 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,5,7-14,16-27,29,30 and 32-50* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-2, 4-5, 7-14, 16-27, 29-30, and 32-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-2, 4-5, 7-14, 16-27, 29-30, and 32-50 are presented for examination.

Claim Rejections - 35 USC § 103

2.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

3.   Claims 39-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Pulliam et**

al. (U.S. 6,609,108).

4.   **As to claims 39:**

Pulliam teaches the invention substantially as claimed including a method comprising:

a.   storing a set of information in a space by sending at least one message specified in

     a schema for the space *(col.3, lines 52-67; col.7, lines 46-54; and col.13, lines 19-*

67), wherein the set of information is expressed in a data representation language

(col.7, lines 46-col.8, line 5), and wherein the space is addressable at a Uniform

Resource Identifier *(col.7, lines 46-64)*;

b.   a client locating the space at the URI *(col.7, lines 46-64 and col.9, lines 35-47)*;

c.   the client retrieving the set of information expressed in the data representation

language from the space by sending at least one of the message specified in the

schema for the space *(col.3, lines 52-col.4, line 10; col.13, lines 19-67; and col.16, lines 6-12).*

d. While teaching *a communication schema* and *messages*, Pulliam does not specifically teach "the schema specifies a plurality of messages usable to invoke functions of the space."

e. It would have been obvious to apply the teaching of Pulliam for *"the schema specifies a plurality of messages usable to invoke functions of the space"* in order to provide a means for efficiently delivering the desired service to the customer, and minimizing the risk that the customer will become inconvenienced and dissatisfied with the merchant's on-line ordering services.

f. The fact that Pulliam's teachings *"an online communication schema for communicating online vehicle orders is provided - The communication schema includes a customer request message, which includes an order message having order information, contact information and vehicle configuration - The order message includes a fleet order message, a retail order message, and a tagged order message. The communication schema further includes a lead message having lead information, contact information, vehicle configuration, and dealer information. The communication schema further includes an order confirmation message."* (col. 3, lines 29-39), and *"The communication schema includes a customer request message, which includes an order message having order information, contact information and vehicle configuration"* in Pulliam suggest

"the schema specifies a plurality of messages usable to invoke functions of the

space."

5.   **As to claim 40:**

Pulliam teaches the data representation language comprises eXtensible Markup Language

(col.7, lines 46-58; col.13, lines 22, 42; and col.16, lines 6-12).

6.   **As to claim 41:**

Pulliam teaches the space comprises one or more web pages which are viewable by a web

browser *(col.7, lines 46-51).*

7.   **As to claim 42:**

Pulliam teaches the schema is expressed in a data representation language *(col.7, lines*

46-61).

8.   **As to claims 43-46:**

Note the rejection of claims 39-42 above. Claims 43-46 are the same as claims 39-42,

except claims 43-46 are system claims and claims 39-42 are method claims.

9.   **As to claims 47-50:**

Note the rejection of claims 39-42 above. Claims 47-50 are the same as claims 39-42,

except claims 47-50 are carrier medium claims and claims 39-42 are method claims.

10.   Claims 1-2, 4-5, 7-14, 16-27, 29-30, and 32-38 are rejected under 35 U.S.C. 103(a) as

being unpatentable over **Pulliam et al.** in view of **Guyot et al.** (U.S. 6,119,098).

11.   **As to claim 1:**

a. The rejection of claim 39 above is incorporated herein in full. Claim 1, however, further recites "the space service is operable to store one or more service advertisements and each of the service advertisements comprises information which is usable to access a corresponding service."

b. Pulliam discloses the space service, but is silent on "the space service is operable to store one or more service advertisements and each of the service advertisements comprises information which is usable to access a corresponding service."

c. Guyot teaches the space service is operable to store one or more service advertisements and each of the service advertisements comprises information which is usable to access a corresponding service *(col.3, line 23-col.4, line 14)*.

d. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Guyot and Pulliam because Guyot's teaching would have provided the capability for efficiently distributing the targeted advertisements to the subscribers over the distributed information network.

12. **As to claim 2:**

Pulliam teaches the client sending messages to the space service at a Uniform Resource Identifier *(col.7, lines 46-64 and col.9, lines 35-47)*.

13. **As to claim 4:**

Pulliam teaches the schema is expressed in a data representation language *(col.7, lines 46-61)*.

14.   **As to claim 5**:

Pulliam teaches the data representation language comprises eXtensible Markup Language

(col.7, lines 46-58; col.13, lines 22, 42; and col.16, lines 6-12).

15.   **As to claim 7**:

Pulliam teaches the client accessing the space service comprises the client sending at

least one of the messages specified in the schema to the space service *(col.3, lines 52-67;*

col.7, lines 46-54; and col.13, lines 19-67).

16.   **As to claim 8**:

a.   Pulliam teaches the client searching the one or more services stored in the space

        (col. 13, lines 20-42).

b.   Pulliam, however, is silent on "the services are the service advertisements."

c.   Guyot teaches the one or more service advertisements *(col.3, line 23-col.4, line*

        14).

d.   It would have been obvious to a person of ordinary skill in the art at the time the

        invention was made to combine the teachings of Guyot and Pulliam because

        Guyot's teaching would have provided the capability for efficiently distributing

        the targeted advertisements to the subscribers over the distributed information

        network.

17.   **As to claim 9**:

a.   Pulliam teaches each of the one or more services comprise a URI at which the

        corresponding service may be accessed *(col.16, lines 4-12).*

b.   Pulliam does not explicitly teach the services are service advertisements and a

schema which specifies messages usable to invoke functions of the corresponding

service.

c.   Note the discussion of claim 8 above for rejection of "the services are service

advertisements" and the discussion of claim 39 above for rejection of "a schema

which specifies messages usable to invoke functions of the corresponding

service."

18.   **As to claims 10-11:**

They include the same limitations as claims 4-5 above, and are similarly rejected under

the same rationale.

19.   **As to claim 12**:

a.   Pulliam teaches generating results in response client to the executing the

corresponding service for the selected service for the client; and publishing the

results in a network-addressable location *(col. 13, lines 20-67 and col. 16, lines 4-*

12).

b.   Pulliam, however, is silent on "the selected service is the selected service

advertisement and information usable to access the network-addressable location

is provided in an advertisement for the network addressable-location."

c.   Guyot teaches the selected service is the selected service advertisement and

information usable to access the network-addressable location is provided in an

advertisement for the network addressable-location *(col. 3, line 23-col. 4, line 14).*

     d.   It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Guyot and Pulliam because Guyot's teaching would have provided the capability for efficiently distributing the targeted advertisements to the subscribers over the distributed information network.

20.   **As to claim 13**:

     a.   Pulliam does not explicitly teach the client sending an instantiation request to the space after the selecting one of the service advertisements from the space; obtaining a lease for the corresponding service for the selected service advertisement; sending the lease and the selected service advertisement to the client; and constructing a gate for the client to access the corresponding service.

     b.   Guyot teaches the client sending an instantiation request to the space after the selecting one of the service advertisements from the space; obtaining a lease for the corresponding service for the selected service advertisement; sending the lease and the selected service advertisement to the client; and constructing a gate for the client to access the corresponding service *(figs. 6(A) and 6(B) and associated text)*.

     c.   It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Guyot and Pulliam because Guyot's teaching would have provided the capability for efficiently distributing the targeted advertisements to the subscribers over the distributed information network.

21.   **As to claims 14, 16-18, 20-25:**

Note the rejection of claims 1, 2, 4-5, and 8-13 above. Claims 14, 16-18, 20-25 are the

same as claims 1, 2, 4-5, and 8-13, except claims 14, 16-18, 20-25 are system claims and

claims 1, 2, 4-5, and 8-13 are method claims.

22.   **As to claim 19:**

Note the discussion of claim 9 above for rejection of rejection of "the schema specifies

messages usable to read advertisements from the space service and publish

advertisements in the space service."

23.   **As to claims 26-27, 29-30 and 32-38:**

Note the rejection of claims 1-2, 4-5, and 7-13 above. Claims 26-27, 29-30 and 32-38 are

the same as claims 1-2, 4-5, and 7-13, except claims 26-27, 29-30 and 32-38 are carrier

medium claims and claims 1-2, 4-5, and 7-13 are method claims.

                                    Response to Arguments

24.   Applicant's arguments filed July 14th, 2004 have been fully considered but they are not

persuasive.

25.   It is noted that in the response filed July 14th, 2004 Applicant stated that "response to

final action of April 21st, 2004" (page 1); and that "Therefore claims 1-50 remain pending

in the application. (page 2)" However, the office action mailed April 21st, 2004 was the

non-final rejection; and only claims 1-2, 4-5, 7-14, 16-27, 29-30, and 32-50 are pending

in the application. Claims 3, 6, 15, 28, and 31 have been previously cancelled by

Applicant.

26.   In the remarks, Applicant argued in substance that: (1) "Pulliam teaches nothing

regarding storing a set of information in a space by sending at least one message

specified in a schema for the space"; (2) "Pulliam also fails to teach wherein the set of

information stored in the space is expresses in a data presentation language"; (3) "Pulliam

does not teach or suggest a schema specifying a plurality of messages usable to invoke

functions of the space." and (4) Guyot fails to teach wherein the space service is operable

to store one or more service advertisements and each of the service advertisements

comprise information which is usable to access a corresponding service.

27.   Examiner respectfully traverses Applicant's remarks:

a.   As to point (1), despite Applicant's assertions, Pulliam does teach the use of a

communication schema, and messages including information are sent and stored

(col.3, lines 52-67; col.7, lines 46-54; and col.13, lines 19-67). The term "a

space" is very wide in scope and clarification is required. Applicant employs broad

language which includes the use of words and phrases which have broad meanings in the

art. In addition, Applicant has not argued any narrower interpretation of the claim

language, nor amended the claims significantly enough to construe a narrower meaning

to the limitations. As the claims breadth allows multiple interpretations and meanings

which are broader than Applicant's disclosure, the Examiner is forced to interpret the

claim limitations as broadly as reasonably possible, in determining patentability of the

disclosed invention.

b.   As to point (2), Pulliam does teach the set of information stored in the space is

expresses in a data presentation language *(e.g., using hypertext markup language,*

extensible markup language; col.7, lines 46-col.8, line 5).

c.   As to point (3), Pulliam's teachings *"an online communication schema for*

communicating online vehicle orders is provided - The communication schema

includes a customer request message, which includes an order message having

order information, contact information and vehicle configuration - The order

message includes a fleet order message, a retail order message, and a tagged

order message. The communication schema further includes a lead message

having lead information, contact information, vehicle configuration, and dealer

information. The communication schema further includes an order confirmation

message." (col. 3, lines 29-39) does suggest "a schema specifying a plurality of

messages usable to invoke functions of the space" as claimed by Applicant.

Applicant has had opportunities to amend the claimed subject matter, and has

failed to modify the claim language to distinguish over the prior art of record by

clarifying or substantially narrowing the claim language. Thus, Applicant

apparently intends that a broad interpretation be given to the claims and the

Examiner has adopted such in the present and previous Office action rejections.

See *In re Prater and Wei,* 162 USPQ 541 (CCPA 1969), and MPEP § 2111.

d.   As to point (3), Pulliam's teachings "the server stores and manage an

advertisement...display the targeted advertisements" (col.3, lines 23-30) do read-

on the claimed limitations.

Conclusion

28.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

29.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the mailing date of this final action.

30.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to VAN H. NGUYEN whose telephone number is (571)
272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM -
6:00PM. The examiner can also be reached on alternative Friday.

31.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Meng-Ai An can be reached on (571) 272-3756.

32.   The fax phone number for the organization where this application or proceeding is
assigned is 703-872-9306.

33.   Information regarding the status of an application may be obtained from the Patent
        Application Information Retrieval (PAIR) system. Status information for published
        applications may be obtained from either Private PAIR or Public PAIR. Status
        information for unpublished applications is available through Private PAIR only. For
        more information about the PAIR system, see http://pair-direct.uspto.gov. Should you
        have questions on access to the Private PAIR system, contact the Electronic Business
        Center (EBC) at 866-217-9197 (toll-free).

        Any response to this action should be mailed to:
        Commissioner for patents
        P O Box 1450
        Alexandria, VA 22313-1450

11/26/04
vhn

MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100